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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,547	11/06/2001	Harry E. Shisler	18536-06512	5438

7590                    03/31/2004

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EXAMINER

DINH, DUNG C

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 03/31/2004

#7

Please find below and/or attached an Office communication concerning this application or proceeding.



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758	7590	02/26/2004	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			DINH, DUNG C	
			ART UNIT	PAPER NUMBER
			2153	
DATE MAILED: 02/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/007,547	SHISLER ET AL.
	Examiner	Art Unit
	Dung Dinh	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 December 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

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**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 12/10/2003 have been fully considered but they are moot in view of the new ground of rejection below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-? are rejected under 35 U.S.C. 103(a) as being unpatentable over Knotts et al. US patent 6,065,002 and further in view of Sheffield et al. US patent 5,566,330.**

As per claim 1, Knotts teaches a programmable batch processing engine for a computer network comprising:

specification defining template for user-desired processing services to be performed (fig.2 #32, col.4 line 68 to col.5 line 4, lines 53-60);

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wherein the specification identify processing properties for processing services (col.5 lines 53-64) to define the execution of a batch application (col.4 lines 43-55, "information appliance");

a specification server subsystem adapted to store said template for enable access to the template over the network (apparent from col.5 lines 15-16);

processing subsystem adapted to perform processing of the batch application (fig.2 application tool 26, col.5 lines 17-20, col.8 lines 10-40);

middleware subsystem providing communication of the specifications to the processing system (interface 24 - See col.5 line 45 to col.6 lines 17).

Knotts teaches a processing engine essentially as claimed. Knotts is silent on the design tool subsystem to create the template. However, it is inherent that Knotts must have a design tool subsystem in order to create the template. In similar field of invention, Sheffield teaches a design tool subsystem (GUI) for creating reusable and modifiable database interface object (i.e. template). (See col.1 line 55 to col. 2 line 7). Hence, it would have been obvious for one of ordinary skill in the art to combine the teaching of Sheffield with Knotts because it would have enable a user to create the template without extensive knowledge of

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database operation nor code database operations in a programming language (see col.7 lines 21-25).

As per claims 2-3, it is known that an end-user and an application programmer (who design the template) could be the same person (Sheffield col.2 lines 10-12). Hence, it is inherent that the processing system and the design tool could be running on the same (i.e. a first) computer or on different computers (i.e. a second computer).

As per claim 4, Knotts teaches storing the template on a server (see fig.1 col.5 line 13-15, lines 46-47). Hence, it is apparent that the specification for creating the template are send from the designer (i.e. first computer) to the server (i.e. second computer) for storage and are send from the server to the processing system ("information appliance") for processing.

As per claim 5, Knotts teaches database middleware subsystem (col.5 lines 5-15 API 14 ODBC) for direct access to the database (col.6 lines 1-17).

As per claims 6 and 9, Knotts teaches input/output middleware system (apparent from fig 1, input#22, and output #36 and #38, col.6 lines 42-52). It is apparent that the system would have means for routing and converting input-output stream to a compatible format in order to transfer/receive data to/from the input-output devices.

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As per claims 7-8, Knotts does not specifically disclose the processing subsystem being implemented on a second computer and to send the processing result and error to a first computer. It would have been obvious for one of ordinary skill in the art to use a second computer (i.e. a more powerful processor or server) as a processing subsystem because it would have alleviate burden on the first computer (e.g. when the first computer device has low processing power or on behalf of a web-client for example).

As per claims 10-15, 16-18 and 19-21 they are rejected under similar rationales as for claims 1-9 above.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2100 Customer Service whose telephone number is (703) 306-5631.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**or faxed to: (703) 872-9306**

Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

Dung C. Dinh  
Primary Examiner